

EXHIBIT 39

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL :HON. DAN A. POLSTER
PRESCRIPTION OPIATE :
LITIGATION :MDL NO. 2804
:
APPLIES TO ALL CASES :NO.
:
:1:17-MD-2804

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - -

December 14, 2018

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Videotaped sworn deposition of COLLEEN McGINN, taken pursuant to notice, was held at GOLKOW LITIGATION SERVICES, One Liberty Place, 1650 Market Street, Philadelphia, Pennsylvania, beginning at 9:39 a.m., on the above date, before Margaret M. Reihl, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public.

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1 making a decision.

2 Q. And Teva wasn't doing that when
3 you took over, correct?

4 A. Not that I know of.

5 Q. Okay. And so from perspective of
6 the gap analysis related to the computer
7 algorithm, there were big gaps between what Teva
8 was doing and what you felt should be done,
9 correct?

10 MR. ANDRISANI: Objection, form.

11 THE WITNESS: Again, all of the
12 things I have listed in the model
13 program did not necessarily have to be
14 taken care of by a computerized
15 algorithm but should be a part of the
16 program in its entirety.

17 BY MR. CARTMELL:

18 Q. I understand, but you wouldn't
19 have put these things here if they were
20 currently being done by Teva, correct?

21 A. Agreed.

22 Q. Okay. So my point is there were
23 big gaps between what you looked at in the
24 program, whether it's SORDS or not, related to

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1 what you think -- you thought the program should
2 do, correct?

3 MR. ANDRISANI: Objection, form.

4 THE WITNESS: There were things
5 that I thought that could be improved
6 than what they were currently doing.

7 BY MR. CARTMELL:

8 Q. It was multiple things, correct?

9 A. Multiple things.

10 Q. Okay. If you go to the next
11 page -- let me ask you, because I forgot to,
12 about SORDS.

13 Was SORDS the computer program
14 that Cephalon was using and brought over with
15 them?

16 A. No.

17 Q. Teva already had it?

18 A. Yes.

19 Q. What was the computer program
20 that Cephalon was using?

21 A. There was not a computer program.

22 Q. Was there any type of computer
23 algorithm at Cephalon at all?

24 A. There was not a computer program

1 at Cephalon. We had a third party distributor,
2 from what I can recall, that had a computerized
3 system.

4 Q. Was Cephalon actually using a
5 third party to do their suspicious order
6 monitoring?

7 A. We -- when I say "we," Cephalon
8 reviewed the orders manually, processed them,
9 sent them to the third party, and then those
10 orders would have been processed through their
11 electronic system, but we ultimately reviewed
12 and approved before it got to them.

13 Q. I'm confused, because when they
14 would be reviewed by you and then sent to them,
15 was that -- were those orders sent to them to
16 try to do some algorithm to find out if they
17 were suspicious or not?

18 A. I think it was a second review,
19 say that Cephalon reviewed orders manually,
20 looked to see if there was anything out of line.
21 If there was, and it was not done by me, it was
22 done by the distribution and logistics people,
23 if there was anything suspicious, they would
24 have reported it to me, and then those orders

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1 would have been sent to the distribution center
2 and processed through their electronic system.

3 Q. Who is the third party that would
4 process those?

5 A. It was Cardinal Health.

6 Q. So is it correct to say that
7 Cephalon was using Cardinal Health in some
8 respects to help with their suspicious order
9 monitoring?

10 A. It would have been a second level
11 review.

12 Q. Okay. And was Cardinal Health an
13 actual customer of Cephalon's?

14 A. Cardinal would have -- I'm
15 guessing that Cardinal would have been a
16 customer of Cephalon's.

17 Q. Like the biggest customer?

18 A. One of the big three, yes.

19 Q. Okay. The next page of your gap
20 assessment, the activity that you're looking at
21 is what's called "know your customer's
22 customer," correct?

23 A. Yes.

24 Q. And just to refer back, this is

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1 one of the areas in the executive summary that
2 we looked at that was found to be noncompliant
3 at this time, correct?

4 A. Was it know your customer or know
5 your customer's customer that was found to be
6 noncompliant?

7 Q. I'm sorry. It may have been know
8 your customer. I think it was.

9 A. Okay.

10 Q. Okay. This is different than
11 that?

12 A. Yes.

13 Q. Okay. But at this time, you felt
14 like a model suspicious order monitoring program
15 should include activities of Teva trying to know
16 their customer's customers, right?

17 A. It was trying to know what our
18 customers' customers did with our product
19 downstream.

20 Q. And because it gets kind of
21 confusing when you say customer's customer, I
22 want to try to explain it for the jury and give
23 an example. Sometimes that makes it easier.

24 But, for example, if let's say